

LEWIS
AND
ROCA
LLP
LAWYERS

E-Filed on 10/10/07

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5 Attorneys for USACM Liquidating Trust

6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF NEVADA**

8 In re:

9 USA COMMERCIAL MORTGAGE
10 COMPANY,

11 USA CAPITAL REALTY ADVISORS, LLC,

12 USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

13 USA CAPITAL FIRST TRUST DEED FUND,
LLC,

14 USA SECURITIES, LLC,

15 Debtors.

16 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11 Cases

Judge Linda B. Riegle Presiding

**REPLY IN SUPPORT OF
MOTION FOR SUBSTITUTION OF
PARTY AND COUNSEL IN
OBJECTION TO PROOF OF
CLAIM FILED BY DEL AND
ERNESTINE BUNCH**

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21 The USACM Liquidating Trust (the “USACM Trust”) files this reply to the
22 “informal response” of Del Bunch dated October 8, 2007 to the USACM Trust Motion for
23 Substitution of Party and Counsel [DE 4498].

24 In its Motion, the USACM Trust requested that pursuant to § IV.D.1 of Debtors’
25 Third Amended Joint Plan of Reorganization be substituted as the objecting party in the
26 Objection to Proof of Claim No. 1099 filed by Del and Ernestine Bunch [DE 2023] and

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Lewis and Roca LLP be substituted as Counsel for the USACM Trust and that Lewis and Roca be substituted as counsel for the USACM Trust in place of USACM's counsel in the above-captioned matter.

On December 11, 2006, USA Commercial Mortgage Company ("USACM") by and through its counsel, filed an objection [DE 2023] to Proof of Claim No.10725-01099 filed by Del and Ernestine Bunch.

On January 8, 2007, the Third Amended Plan of Reorganization was confirmed by this Court. The Plan became effective on March 12, 2007, and the USACM Trust succeeded to the rights of USACM, including as to claims objections.

The Bunch response asks why the USACM Trust filed the motion. The reason is because Bunch would not stipulate to the substitution of counsel. An order of the Court is required. See Local Rule 2014.

CONCLUSION

For the reasons stated above, the USACM Trust requests that the USACM Trust be substituted for USACM as the objecting party and the law firm of Lewis and Roca LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, NV 89169-5996 be substituted as counsel for the USACM Trust in place of USACM's counsel in this matter.

DATED: October 10, 2007.

LEWIS AND ROCA LLP

By /s/ RC (#006593)

Susan M. Freeman, AZ 4199 (pro hac vice)

Rob Charles, NV 6593

Counsel for USACM Liquidating Trust

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Proof of Service

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COPY of the foregoing served via email where an email address is listed, and if no email
address is listed, by first class mail, postage prepaid, on October 10, 2007, addressed to:

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Del and Ernestine Bunch
1909 Red Robin Court
Las Vegas, NV 89134-6157
pro se

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7 /s/ Christine E. Laurel
Christine E. Laurel
8 Lewis and Roca LLP

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